

1 CARRILLO LAW FIRM, LLP
Luis A. Carrillo (Bar No. 70398)
2 Michael S. Carrillo (Bar No. 258878)
3 1499 Huntington Drive, Suite 402
South Pasadena, CA 91030
4 Tel: (626) 799-9375
5 Fax: (626) 799-9380

6 LAW OFFICES OF DALE K. GALIPO
7 Dale K. Galipo (Bar No. 144074)
dalekgalipo@yahoo.com
8 21800 Burbank Boulevard, Suite 310
9 Woodland Hills, California 91367
Telephone: (818) 347-3333
10 Facsimile: (818) 347-4118

11 *Attorneys for Plaintiffs*
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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
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16 MARGARITO T. LOPEZ individually
and as successor in interest to Margarito
17 E. Lopez, Deceased; SONIA TORRES,
KENI LOPEZ, and ROSY LOPEZ,
18 individually,

19 Plaintiffs,

20 vs.

21 CITY OF LOS ANGELES; JOSE
ZAVALA; JULIO QUINTANILLA; and
22 DOES 1-10, inclusive,

23 Defendants.
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Case No.: 2:22-cv-07534-FLA-MAAx
Hon. Judge Fernando L. Aenlle-Rocha,
Hon. Mag. Maria A. Audero

**JOINT STIPULATION
REGARDING MOTION FOR
SUMMARY JUDGMENT AND/OR
ADJUDICATION AND
PLAINTIFFS' CLAIMS**

FPTC: May 31, 2024
Trial: July 16, 2024

TO THE HONORABLE COURT:

After extensive meet and confer discussions, Plaintiffs MARGARITO T. LOPEZ individually and as successor in interest to Margarito E. Lopez, Deceased, SONIA TORRES, KENI LOPEZ, and ROSY LOPEZ, individually (“Plaintiffs”), and Defendants City of Los Angeles, Julio Quintanilla, and Jose Zavala, (“Defendants”) (collectively “the Parties”) through their respective counsel of record, do and hereby stipulate as follows:

1. No defendant will file any pretrial dispositive motion, including any Motion for Summary Judgment or Summary Adjudication, on any of Plaintiffs’ claims, as alleged in the operative Complaint (Doc. 1);
2. Plaintiffs dismiss their Second Claim for Relief, for Denial of Medical Care under the Fourth Amendment, pursuant to 42 U.S.C. Section 1983, as to all Defendants;
3. Plaintiffs dismiss their Fourth Claim for Relief, the deprivation of Substantive Due Process by a Deliberate Indifference to Serious Medical Needs, pursuant to 42 U.S.C. Section 1983, as to all Defendants;
4. Plaintiffs dismiss their Fifth Claim for Relief, Municipal Liability for Ratification under *Monell* and 42 U.S.C. Section 1983, as to all Defendants (City of Los Angeles and unnamed Does);
5. Plaintiffs dismiss their Sixth Claim for Relief, Municipal Liability for Failure to Train under *Monell* and pursuant to 42 U.S.C. Section 1983, as alleged against Defendant City of Los Angeles;
6. Plaintiffs dismiss their Seventh Claim for Relief, Municipal Liability for Unconstitutional Practice, Policy, or Custom, under *Monell* and 42 U.S.C. Section 1983, as alleged against Defendants City of Los Angeles and unnamed Does.

- 1 7. Plaintiffs dismiss the Doe Defendants (Does 1-10) but do not dismiss any
 2 other defendant.
- 3 8. Plaintiffs shall proceed on the following claims: (1) Negligence
 4 (Wrongful Death/Survival, Plaintiff Margarito T. Lopez only), against
 5 Julio Quintanilla and Jose Zavala directly, and against the City of Los
 6 Angeles on a theory of vicarious liability pursuant to California
 7 Government Code Section 815.2(a); (2) Battery (Wrongful
 8 Death/Survival, Plaintiff Margarito T. Lopez only), against Julio
 9 Quintanilla and Jose Zavala directly, and against the City of Los Angeles
 10 on a theory of vicarious liability pursuant to California Government Code
 11 Section 815.2(a); (3) Negligent Infliction of Emotional Distress (All
 12 Plaintiffs) against Julio Quintanilla and Jose Zavala directly, and against
 13 the City of Los Angeles on a theory of vicarious liability pursuant to
 14 California Government Code Section 815.2(a); (4) Violation of the Bane
 15 Act (Cal. Civil Code Section 52.1; Plaintiff Margarito T. Lopez only),
 16 against Julio Quintanilla and Jose Zavala directly, and against the City of
 17 Los Angeles on a theory of vicarious liability pursuant to California
 18 Government Code Section 815.2(a); (5) Excessive Force, pursuant to 42
 19 U.S.C. Section 1983 and the Fourth Amendment (Plaintiff Margarito T.
 20 Lopez only) against Julio Quintanilla and Jose Zavala; (6) Interference
 21 with Familial Relationship, Substantive Due Process, pursuant to 42
 22 U.S.C. Section 1983 and the Fourteenth Amendment (Plaintiff Margarito
 23 T. Lopez only) against Julio Quintanilla and Jose Zavala. None of the
 24 remaining claims are alleged under a theory of direct liability against
 25 Defendant City of Los Angeles, but rather, under a theory of vicarious
 26 liability for Defendants Julio Quintanilla and Jose Zavala as their
 27 employer at the time of the incident. The Parties agree that Julio

1 Quintanilla and Jose Zavala were working in the course and scope of
2 their employment with the City of Los Angeles and under the color of
3 law at the time of the incident.

4 DATED: February 28, 2024 LAW OFFICES OF DALE K. GALIPO

5 By /s/ Dale K. Galipo

6 Dale K. Galipo
7 Renee V. Masgonsong
8 Shannon J. Leap¹
Attorneys for Plaintiffs

9 DATED: February 28, 2024 CARRILLO LAW FIRM, LLP

10 By /s/ Michael Carrillo

11 Luis A. Carrillo
12 Michael Carrillo
13 Attorneys for Plaintiffs

14 DATED: February 28, 2024 LOS ANGELES CITY ATTORNEY'S OFFICE
15 HYDEE FELDSTEIN SOTO, City Attorney
16 DENISE C. MILLS, Chief Deputy City Attorney
17 SCOTT MARCUS, Chief Asst. City Attorney
18 CORY M. BRENT, Senior Assistant City
19 Attorney

20 By /s/ Ty A. Ford

21 TY A. FORD, Deputy City Attorney
22 Attorneys for Defendant CITY OF LOS
23 ANGELES

24 Date: February 28, 2024 STONE BUSAILAH, LLP

25 By: /s/ Muna Busailah

26 MUNA BUSAILAH, Esq.
27 Attorney for Defendants JOSE ZAVALA,
JULIO QUINTANILLA

¹ As the filer of this document, I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.